

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 509
Title 14, California Code of Regulations
Re: Concurrence with Federal Regulations

- I. Date of Initial Statement of Reasons: May 9, 2007
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: June 8, 2007
Location: Truckee, CA
- (b) Discussion Hearing: Date: July 13, 2007
Location: Bridgeport, CA
- (c) Adoption Hearing: Date: August 10, 2007
Location: Santa Barbara, CA
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- Section 509 of Title 14, CCR, states that the regulations adopted by the United States through its Secretary of Interior under the Migratory Bird Treaty Act, as amended annually in Part 10, subparts A and B, and Part 20, Title 50, Code of Federal Regulations, are hereby adopted and made a part of this Title 14 except where said federal regulations are less restrictive than the provisions of Chapter 7 of this Title 14 (sections 500-509), the provisions of Chapter 7 prevail. This section does not have clear language stating it is a violation to violate the provisions of the Migratory Bird Treaty Act. There needs to be wording added to the section stating it is illegal to violate the provisions of the federal Migratory Bird Treaty Act or the regulations which are adopted.
- Currently, Section 509 of Title 14, CCR has no provisions that require a person 16 years or older to purchase a Federal Migratory-Bird Hunting and Conservation Stamp, and have that stamp in possession while hunting migratory waterfowl. Federal law requires the Federal Migratory-Bird Hunting and Conservation Stamp to be in possession as well as have the hunter's signature written in ink across the face of the stamp. Wording

needs to be added to this section requiring that any person 16 years or older who is hunting migratory waterfowl possess a Federal Migratory-Bird Hunting and Conservation Stamp and have the hunter's signature written on the face of the stamp.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section 355, Fish and Game Code.

Reference: Part 10, subparts A and B, and Part 20, Title 50, CFR, amended Sept. 18, 1987, 52 Fed. Reg. 35248; and Sections 355 and 356 Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45 day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No other reasonable alternatives were identified.

- (b) No Change Alternative:

The no change alternative was considered and rejected because the regulation as it written is not properly worded for enforcement purposes.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation is to clarify existing Federal requirements.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Informative Digest/Policy Statement Overview

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